

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

WESCO INSURANCE COMPANY,
Plaintiff,

– *against* –

PRIME PROPERTY & CASUALTY
INSURANCE, INC.,
Defendant.

ORDER

20 Civ. 9067 (ER)

RAMOS, D.J.:

Defendant filed a motion to dismiss the complaint on May 11, 2021, and the motion is now fully briefed. Doc. 14. The Court will hold oral argument on the motion on February 23, 2022 at 2 p.m. at the Thurgood Marshall United States Courthouse, 40 Foley Square, New York, NY 10007 in Courtroom 619. The parties should be prepared to discuss the following issues:

- (1) Whether JCA is a necessary party to this action;
- (2) Whether JCA is an indispensable party to this action;
- (3) Whether JCA may properly be joined in this action through a third-party claim;
- (4) Whether *Colorado River Water Conservation Dist. v. United States*, 424 U.S. 800 (1976) warrants dismissal of this action;
- (5) Whether an actual controversy exists for Wesco's claim in light of NYVTL § 388; and
- (6) Whether the MCS-90 Endorsement imposes a duty for Prime to indemnify JCA.

SO ORDERED.

Dated: February 11, 2022
New York, New York



Edgardo Ramos, U.S.D.J.